

REMARKS

Claims 1-36 are all the claims presently pending in this application. Claims 1, 9, and 28 have been amended to more particularly define the claimed invention.

No new matter has been added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-3, 7, 9-10, 12-13, 15-16, 24 and 31-34 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Montlick (U.S. Patent No. 5,561,446) further in view of Frasca, Jr. (U.S. Patent No. 6,055,506). Claims 4-6, 8, 11 and 14 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Montlick and Frasca, Jr. further in view of Snell et al. (U.S. Patent No. 5,724,985). Claims 18, 22-23, 27 and 30 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Montlick and Frasca, Jr. further in view of Igarashi et al. (Applicant's Cited Prior Art). Claims 20-21 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Montlick and Frasca, Jr. further in view of Fenster et al. (U.S. Patent No. 5,454,371). Claim 25 stands rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Montlick and Frasca, Jr. further in view of Tanaka (U.S. Patent No. 5,249,296). Claims 17, 19, 26, 28-29 and 35-36 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Montlick and Frasca, Jr. further in view of Applicant's Admitted Prior Art.

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g., as recited in claim 1) is directed to an application method for supporting a medical treatment system. The system may include an input/display device including input means and display means, and a storage. The method may include the input/display device receiving input stroke information by handwriting, determining whether an identifier has been received in the input stroke information, storing data in the storage substantially all as medical data, the input means moving in a sliding manner on a sheet label displayed at a particular position on a screen by the display means, and the input/display device reading, when the input means moves onto the sheet label, data stored in the storage in relation to the sheet label from the storage, and displaying the data by conducting a change-over operation for the sheet label, in which the identifier may include a data identifier that identifies stored data corresponding to an intra-identifier code.

The conventional methods of supporting a medical treatment system are very technologically diverse. Written notes allow the operator to store thoughts, impressions, and diagnoses in a medium which is flexible to power requirements and is extremely mobile. Notes can also be taken electronically and stored in a central location. There are significant problems with each medium of medical treatment system. Notes that are written on paper are subject to several drawbacks, which include lack of organization, misplacement, incorrect filing, faulty handwriting character determination, and easy destructability. Electronic notes are often taken through the utilization of a pen device with an electronic tablet. The operator that takes electronic notes in this conventional method experiences an interruption in thought due to the necessity of operating various menus and buttons which enable the taking of electronic notes. The conventional electronic medical treatment support system method also interrupts the thinking of the operator, especially when forced to think about operating the system instead of diagnosing the patient. Conventional methods also utilize

systems in which the display and input are apart, causing a necessity to constantly and alternately refer to both the input device and display device instead of focusing on the diagnosis. Electronic methods do not use independent devices and need the addition of certain input elements to make the conventional medical treatment system method complete (Application at pages 1-5).

On the other hand, the aforementioned exemplary aspect of the claimed invention includes an application method for supporting a medical treatment system which may include the input/display device receiving input stroke information by handwriting and determining whether an identifier has been received in the input stroke information (Application at page 18, line 17-25). This feature may provide a benefit over conventional written and electronic note-taking devices by enabling the operator to enter handwritten strokes without using a button or a menu, in which the medical treatment system determines the meaning or relevance of the handwritten strokes and performs actions related to the meaning or relevance of the handwritten stroked after the determination (Application at page 32, lines 2-10).

II. THE PRIOR ART REJECTIONS

A. The Montlick and Frasca References

The Examiner alleges that Montlick and Frasca would have been combined to teach the invention of claims 1-3, 7, 9-10, 12-13, 15-16, 24, and 31-34. The Examiner also alleges that the combination of Montlick and Frasca can be combined with other references to teach the invention of the remaining claims.

However, Applicant submits that Montlick and Frasca would not have been combined. Further, even assuming (arguendo) that Montlick and Frasca were combined, the resultant combination still fails to teach or suggest each and every feature of the claimed invention.

Montlick discloses a method and system for wireless remote information retrieval and pen-

based data entry (Montlick at Abstract). The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Montlick with the teaching from Frasca to form the claimed invention.

However, Montlick clearly fails to teach or suggest an application method for supporting a medical treatment system that includes “the input/display device receiving input stroke information by handwriting . . . [and] . . . determining whether an identifier has been received in the input stroke information”, as recited, for example, in claim 1 (Application at page 18, lines 17-25). This feature may provide a benefit over conventional written and electronic note-taking devices by enabling the operator to enter handwritten strokes without using a button or a menu, in which the medical treatment system determines the meaning or relevance of the handwritten strokes and performs actions related to the meaning or relevance of the handwritten stroked after the determination (Application at page 32, lines 2-10).

Clearly, Montlick fails to teach this feature. Montlick simply suggests an apparatus that allows one to use a pen for data entry. Montlick in no way teaches the determination of an identifier received in input stroke information. In fact, Montlick teaches away from the claimed invention by specifically stating that “notes are not interpreted by either the central computer system 10 or the pen-based computer system 12 [T]he information (the handwritten notes) . . . is unintelligible to the computer” (Montlick at column 8, lines 29-31 and 45-46)

Frasca discloses an outpatient care data system. The Examiner specifically alleges that Frasca teaches a system which determines identifiers in handwriting that correspond to codes relating to stored data.

However, Frasca, like Montlick, clearly fails to teach or suggest an application method for supporting a medical treatment system that includes “the input/display device receiving input stroke information by handwriting . . . [and] . . . determining whether an identifier has been received in the

input stroke information”, as recited, for example, in claim 1 (Application at page 18, lines 17-25).

This feature may provide a benefit over conventional written and electronic note-taking devices by enabling the operator to enter handwritten strokes without using a button or a menu, in which the medical treatment system determines the meaning or relevance of the handwritten strokes and performs actions related to the meaning or relevance of the handwritten stroked after the determination (Application at page 32, lines 2-10).

Clearly, Frasca fails to teach this feature. Frasca simply suggests a conventional data input and collection system which is able to take data input from a telephone or computer and collect in a patient file for future use (Frasca at column 1, lines 30-35 and column 10, lines 14-21). There is absolutely no mention of handwriting or input stroke information.

In addition, Applicant respectfully submits that the Examiner is not interpreting the claimed invention as would one having ordinary skill in the art. Specifically, the Examiner makes an assertion that

[a]t the time of invention it would have been obvious to combine the teaching of Montlick with Frasca Jr. to produce a medical record storage system that provides intra-identifier codes to stored data records that provide further information about a data record. The data records could be input through the handwriting input system of Montlick rather than using the phone based or automatic entry system of Frasca Jr.

(Detailed Action at page 4, third paragraph).

However, this statement and the combination of Montlick and Frasca by the Examiner completely ignore a feature that may be included in the claimed invention. The claimed invention clearly may include a method where there is a “determining whether an identifier has been received in the input stroke information” (Application at page 18, lines 17-25). This is a feature that both Montlick and Frasca lack whether combined or asserted individually. The Examiner simply fails to address the existence of this feature in the claimed invention.

In addition, on the third paragraph of page 4 of the Detailed Action, the Examiner makes

several blanket assumptions asserting that certain concepts would have been obvious at the time of invention. Applicant respectfully submits that these assumptions have been made erroneously. The Examiner is respectfully requested to either substantiate the assumptions made with proof or withdraw the rejection.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Montlick and Frasca (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

B. The Snell Reference

The Examiner alleges that Montlick, Frasca, and Snell would have been combined to teach the invention of claims 4-6, 8, 11, and 14.

However, Applicant submits that Snell would not have been combined with Montlick and Frasca. Further, even assuming (arguendo) that Montlick, Frasca, and Snell were combined, the resultant combination still fails to teach or suggest each and every feature of the claimed invention.

Snell discloses an apparatus and a method for an improved user interface for communication with implantable medical devices. The Examiner alleges that Snell specifically discloses "special software programs called text recognition engines . . . [that] have been applied to tablet computers . . . allow[ing] pen input to be recognized as characters and then manipulated as character data." (Snell at column 26, lines 38-42)

However, Snell clearly fails to teach or suggest an application method for supporting a medical treatment system that includes "the input/display device receiving input stroke information by handwriting . . . [and] . . . determining whether an identifier has been received in the input stroke information", as recited, for example, in claim 1 (Application at page 18, lines 17-25). This feature may provide a benefit over conventional written and electronic note-taking devices by enabling the

operator to enter handwritten strokes without using a button or a menu, in which the medical treatment system determines the meaning or relevance of the handwritten strokes and performs actions related to the meaning or relevance of the handwritten stroked after the determination (Application at page 32, lines 2-10).

Clearly, Snell fails to teach this feature. Snell simply suggests a system having the ability to make free-form electronic notes using a pen (Snell at column 26, lines 47-51). Snell provides absolutely no method of determining whether an identifier has been received in the input stroke information, which may be included in the claimed invention.

Indeed, Snell actually teaches away from the claimed invention. In recognizing that text recognition software programs exist, the Examiner fails to quote that Snell's "preferred embodiment uses free-form text entry, storing the text as graphic data, to . . . reduce the number of commands needed to operate the system" (Snell at column 26, lines 47-51).

In addition, the Examiner's use of the Snell passage is flawed in that the Snell passage absolutely fails to mention any determination step. Applicant respectfully submits that the text recognition in Snell bears no equivalence whatsoever to the determination that may be included in the claimed invention.

Further, with respect to claim 14, Applicant respectfully submits that the Examiner's assertions of Official Notice are clearly erroneous and should be withdrawn absent a substantial showing of proof otherwise. Official Notice was taken by the Examiner on page 8, first paragraph of the Examiner's Detailed Action, alleging that "at the time of invention it was well known in the art to make data filed stored on a network to be unalterable except by users with certain permissions." It was also taken by the Examiner on page 7, fourth paragraph of the Examiner's Detailed Action, alleging that "it is a well-known practice in the art of computer science to use an array to store lists of numerical data, such as coordinate data from a touch or pen based system."

Applicant respectfully demands proof of what the Examiner has asserted in the taking of Official Notice. Such action is to be taken judiciously and in appropriate situations. Applicant respectfully submits that these particular takings of Official Notice were neither judicious in nature nor appropriate actions to be taken and must be substantiated with proof.

In addition, even assuming (arguendo) that Montlick, Frasca, and Snell were combined, the alleged combination still leaves the deficiencies referenced previously in Section A.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Montlick, Frasca, and Snell (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

C. The Igarishi Reference

The Examiner alleges that Montlick, Frasca, and Igarishi would have been combined to teach the invention of claims 18, 22, 23, 27, and 30.

However, Applicant submits that Igarishi would not have been combined with Montlick and Frasca. Further, even assuming (arguendo) that Montlick, Frasca, and Igarishi were combined, the resultant combination still fails to teach or suggest each and every feature of the claimed invention.

Igarishi discloses an augmented whiteboard interface designed for informal office work. The Examiner alleges that Igarishi teaches a method of splitting segments on a pen based input system by providing a vertical line across an input field (Detailed Action at page 9, paragraph 1).

However, Igarishi clearly fails to teach or suggest an application method for supporting a medical treatment system that includes “the input/display device receiving input stroke information by handwriting . . . [and] . . . determining whether an identifier has been received in the input stroke information”, as recited, for example, in claim 1 (Application at page 18, lines 17-25). This feature may provide a benefit over conventional written and electronic note-taking devices by enabling the

operator to enter handwritten strokes without using a button or a menu, in which the medical treatment system determines the meaning or relevance of the handwritten strokes and performs actions related to the meaning or relevance of the handwritten stroked after the determination (Application at page 32, lines 2-10). Therefore, even assuming (arguendo) that Montlick, Frasca, and Igarishi were combined, the alleged combination still leaves the deficiencies referenced previously in Section A and B.

In addition, at the third paragraph of page 9 of the Detailed Action, the Examiner makes several blanket assumptions asserting that certain concepts that would have been obvious at the time of invention. Applicant respectfully submits that these assumptions have been made erroneously. The Examiner is respectfully requested to either substantiate the assumptions made with proof or withdraw the rejection.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Montlick, Frasca, and Igarishi (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

D. The Fenster Reference

The Examiner alleges that Montlick, Frasca, and Fenster would have been combined to teach the invention of claims 20 and 21.

However, Applicant submits that Fenster would not have been combined with Montlick and Frasca. Further, even assuming (arguendo) that Montlick, Frasca, and Fenster were combined, the resultant combination still fails to teach or suggest each and every feature of the claimed invention.

The Examiner alleges that Fenster discloses a medical imaging system where images can be manipulated and measure using points defined by the user input device (Detailed Action at page 10, paragraph 5).

However, Fenster clearly fails to teach or suggest an application method for supporting a medical treatment system that includes “the input/display device receiving input stroke information by handwriting . . . [and] . . . determining whether an identifier has been received in the input stroke information”, as recited, for example, in claim 1 (Application at page 18, lines 17-25). This feature may provide a benefit over conventional written and electronic note-taking devices by enabling the operator to enter handwritten strokes without using a button or a menu, in which the medical treatment system determines the meaning or relevance of the handwritten strokes and performs actions related to the meaning or relevance of the handwritten strokes after the determination (Application at page 32, lines 2-10). Therefore, even assuming (arguendo) that Montlick, Frasca, and Fenster were combined, the alleged combination still leaves the deficiencies referenced previously in Section A.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Montlick, Frasca, and Fenster (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

E. The Tanaka Reference

The Examiner alleges that Montlick, Frasca, and Tanaka would have been combined to teach the invention of claim 25.

However, Applicant submits that Tanaka would not have been combined with Montlick and Frasca. Further, even assuming (arguendo) that Montlick, Frasca, and Tanaka were combined, the resultant combination still fails to teach or suggest each and every feature of the claimed invention.

The Examiner alleges that Tanaka discloses a gesture based input system for a pen based input system, allowing a new window to open after the execution of a dragging operation of an icon on the screen (Detailed Action at page 12, paragraph 1).

However, Tanaka clearly fails to teach or suggest an application method for supporting a medical treatment system that includes “the input/display device receiving input stroke information by handwriting . . . [and] . . . determining whether an identifier has been received in the input stroke information”, as recited, for example, in claim 1 (Application at page 18, lines 17-25). This feature may provide a benefit over conventional written and electronic note-taking devices by enabling the operator to enter handwritten strokes without using a button or a menu, in which the medical treatment system determines the meaning or relevance of the handwritten strokes and performs actions related to the meaning or relevance of the handwritten strokes after the determination (Application at page 32, lines 2-10). Therefore, even assuming (arguendo) that Montlick, Frasca, and Tanaka were combined, the alleged combination still leaves the deficiencies referenced previously in Section A.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Montlick, Frasca, and Tanaka (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

F. The Reference of Applicant’s Admitted Prior Art

The Examiner alleges that Montlick, Frasca, and the Applicant’s Admitted Prior Art would have been combined to teach the inventions of claims 17, 19, 26, 28-29 and 35-36.

However, Applicant submits that the Applicant’s Admitted Prior Art would not have been combined with Montlick and Frasca. Further, even assuming (arguendo) that Montlick, Frasca, and the Applicant’s Admitted Prior Art were combined, the resultant combination still fails to teach or suggest each and every feature of the claimed invention.

The Examiner alleges that the Applicant’s Admitted Prior Art discloses a technique being analogous to the drag and drop feature located in the Windows OS (Detailed Action at page 14,

paragraph 2).

However, the Applicant's Admitted Prior Art clearly fails to teach or suggest an application method for supporting a medical treatment system that includes "the input/display device receiving input stroke information by handwriting . . . [and] . . . determining whether an identifier has been received in the input stroke information", as recited, for example, in claim 1 (Application at page 18, lines 17-25). This feature may provide a benefit over conventional written and electronic note-taking devices by enabling the operator to enter handwritten strokes without using a button or a menu, in which the medical treatment system determines the meaning or relevance of the handwritten strokes and performs actions related to the meaning or relevance of the handwritten strokes after the determination (Application at page 32, lines 2-10). Therefore, even assuming (arguendo) that Montlick, Frasca, and the Applicant's Admitted Prior Art were combined, the alleged combination still leaves the deficiencies referenced previously in Section A.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Montlick, Frasca, and the Applicant's Admitted Prior Art (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-36, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

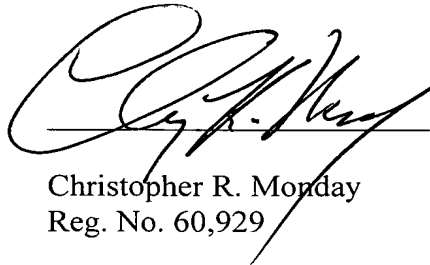
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to

discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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